

1 Edwin Aiwazian (SBN 232943)
Arby Aiwazian (SBN 269827)
2 Joanna Ghosh (SBN 272479)
3 **LAWYERS for JUSTICE, PC**
410 West Arden Avenue, Suite 203
Glendale, California 91203
4 Tel: (818) 265-1020 / Fax: (818) 265-1021
5 *Attorneys for Plaintiffs and the Class*

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

NOV 28 2017

Sherri R. Carter, Executive Officer/Clerk
By: Jan Josef Manrique, Deputy

6
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF LOS ANGELES – CENTRAL CIVIL WEST**

RECEIVED
Central Civil West
NOV 14 2017
By: C. Vargas

10 RAQUEL CLAYTON; individually, and on
11 behalf of other members of the general public
12 similarly situated; ROBERT ESEKE;
13 individually, and on behalf of other members
of the general public similarly situated, and on
14 behalf of other aggrieved employees pursuant
to the California Private Attorneys General
Act;
15
16 Plaintiffs,
17 vs.
18 CORESITE, L.L.C., a California corporation;
and DOES 1 through 100, inclusive,
19
20
21
22
23
24
25
26
27
28 Defendants.

Case No.: BC587321

Honorable Carolyn B. Kuhl
Department 309

CLASS ACTION

**~~PROPOSED~~ FINAL APPROVAL
ORDER AND JUDGMENT**

Date: November 28, 2017
Time: 10:00 a.m.
Department: 309

Complaint Filed: June 9, 2015
FAC Filed: February 16, 2017
Jury Trial: None Set

COPY

1 This matter has come before the Honorable Carolyn B. Kuhl in Department 309 of the
2 above-entitled Court, located at the Central Civil West Courthouse, 600 Commonwealth Avenue,
3 Los Angeles, California 90005, on Plaintiffs Raquel Clayton and Robert Eseke's ("Plaintiffs")
4 Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Incentive
5 Awards ("Motion for Final Approval").

6 On June 26, 2017, the Court granted Plaintiffs' Motion for Preliminary Approval of Class
7 Action Settlement, and entered an Order Granting Preliminary Approval of Class Action
8 Settlement ("Preliminary Approval Order"), thereby preliminarily approving the settlement of
9 the above-captioned action ("Action") in accordance with the Joint Stipulation of Settlement and
10 Release ("Stipulation of Settlement") and Amendment No. 1 to Joint Stipulation of Settlement
11 and Release ("Amendment No. 1") (together, "Settlement," "Agreement," or "Settlement
12 Agreement"), which, together with the exhibits annexed thereto, set forth the terms and
13 conditions for settlement of the Action.

14 Having duly considered the parties' papers and oral argument, and good cause appearing,

15 **THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:**

16 1. All terms used herein shall have the same meaning as defined in the Settlement
17 Agreement.

18 2. This Court has jurisdiction over the claims of the Class Members asserted in this
19 proceeding and over all parties to the Action.

20 3. The Court finds that the applicable requirements of California Code of Civil
21 Procedure section 382 and California Rule of Court 3.769, *et seq.* have been satisfied with
22 respect to the Class and the Settlement. The Court hereby makes final its earlier provisional
23 certification of the Class for settlement purposes, as set forth in the Preliminary Approval Order.

24 The Class is hereby defined to include:

25 All current and former non-exempt employees of Defendant Coresite, L.L.C.
26 ("Defendant") within the State of California from July 9, 2011 through June
27 26, 2017.

27 ///

28 ///

1 4. The Notice of Proposed Class Action Settlement ("Class Notice") that was
2 provided to the Class Members, fully and accurately informed the Class Members of all material
3 elements of the Settlement and of their opportunity to participate in, object to or comment
4 thereon, or to seek exclusion from, the Settlement; was the best notice practicable under the
5 circumstances; was valid, due, and sufficient notice to all Class Members; and complied fully
6 with the laws of the State of California, the United States Constitution, due process and other
7 applicable law. The Class Notice fairly and adequately described the Settlement and provided the
8 Class Members with adequate instructions and a variety of means to obtain additional
9 information.

10 5. Pursuant to California law, the Court hereby grants final approval of the
11 Settlement and finds it reasonable and adequate, and in the best interests of the Class as a whole.
12 More specifically, the Court finds that the Settlement was reached following meaningful
13 discovery and investigation conducted by Class Counsel; that the Settlement is the result of
14 serious, informed, adversarial, and arms-length negotiations between the parties; and that the
15 terms of the Settlement are in all respects fair, adequate, and reasonable. In so finding, the Court
16 has considered all of the evidence presented, including evidence regarding the strength of the
17 Plaintiffs' cases; the risk, expense, and complexity of the claims presented; the likely duration of
18 further litigation; the amount offered in the Settlement; the extent of investigation and discovery
19 completed; and the experience and views of Class Counsel. The Court has further considered the
20 absence of objections to the Settlement by Class Members, and that there has only been one valid
21 and timely Opt-Out Request submitted by a Class Member to the Settlement Administrator.
22 Accordingly, the Court hereby directs that the Settlement be affected in accordance with the
23 Settlement Agreement and the following terms and conditions.

24 6. A full opportunity has been afforded to the Class Members to participate in the
25 Final Approval Hearing, and all Class Members and other persons wishing to be heard have been
26 heard. The Class Members also have had a full and fair opportunity to exclude themselves from
27 the Settlement and the Class. Accordingly, the Court determines that all Class Members who did
28

1 not timely and properly execute and submit an Opt-Out Request to the Settlement Administrator
2 are bound by this Final Approval Order and Judgment.

3 7. The Court finds that Class Member, Joel Demeyere, has timely and validly opted
4 out of the Settlement and will not be bound by this Final Approval Order and Judgment.

5 8. It is hereby ordered that the Settlement Administrator, Simpluris, Inc., shall issue
6 payment to itself in the amount of \$8,500 for the services performed and costs incurred for the
7 notice and administration of the Settlement, in accordance with the Settlement Agreement.

8 9. It is hereby ordered that the Settlement Administrator shall issue the Individual
9 Settlement Payment checks to all Class Members who have not submitted timely and valid Opt-
10 Out Requests ("Participating Class Members") according to the methodology and terms set forth
11 in the Settlement Agreement.

12 10. It is further ordered, pursuant to California Code of Civil Procedure section 384,
13 that all Individual Settlement Payment checks issued to Participating Class Members shall
14 remain valid and negotiable for one hundred and eighty (180) calendar days after they are
15 distributed, and the funds associated with Individual Settlement Payment checks that are not
16 negotiated within the 180-day period shall be tendered to the California Department of Industrial
17 Relations' Unclaimed Wage Fund, in the name(s) of the Participating Class Members to whom
18 such checks were issued, in accordance with the Settlement Agreement. The Court specifically
19 finds that the disposition of funds from the non-negotiated Individual Settlement Payment
20 checks, as set forth herein, is an alternative distribution within the meaning of California Code of
21 Civil Procedure section 384(b)(1), that better serves the interest of the Class because it affords
22 Participating Class Members who fail to negotiate their Individual Settlement Payment checks an
23 additional opportunity to obtain monetary benefits from the Settlement.

24 11. The Court finds that the Incentive Awards sought are fair and reasonable for the
25 work performed by Plaintiffs on behalf of the Class. It is hereby ordered that that the Settlement
26 Administrator issue payment to Plaintiffs Raquel Clayton and Robert Eseke each in the amount
27 of \$4,500 for their Incentive Awards, for a combined amount of \$9,000.

28 ///

1 12. The Court finds that the allocation of \$15,000 toward penalties under the
2 California Private Attorneys General Act of 2004 ("PAGA Payment"), is fair, reasonable, and
3 appropriate, and hereby approved. The Settlement Administrator shall distribute the PAGA
4 Payment as follows: the amount of \$11,250 to the California Labor and Workforce Agency
5 ("LWDA Payment"), and the amount of \$3,750 shall be a part of the Net Settlement Amount for
6 distribution to the Participating Class Members, according to the terms of the Settlement
7 Agreement.

8 13. The Court finds that the request for attorneys' fees ("Fees Award") in the amount
9 of \$210,000 falls within the range of reasonableness, and the results achieved justify the award
10 in light of the benefit obtained for the class sought. The requested Fees Award is fair, reasonable, and appropriate, and is hereby approved.
11 It is hereby ordered that the Settlement Administrator issue payment in the amount of \$210,000
12 to Lawyers for Justice, PC according to the methodology and terms set forth in the Settlement
13 Agreement.

14 14. The Court finds that the litigation costs and expenses ("Class Counsel's Costs and
15 Expenses") in the amount of \$13,996.84 incurred by Class Counsel in prosecuting the Action are
16 reasonable, and hereby approved. It is hereby ordered that the Settlement Administrator issue
17 payment in the amount of \$13,996.84 to Lawyers for Justice, PC for Class Counsel's Costs and
18 Expenses.

19 15. With this final approval of the Settlement, the Court hereby enters judgment by
20 which Participating Class Members shall be conclusively determined to have given a release of,
21 and permanently enjoined and forever barred from asserting, any Released Claims against the
22 Released Parties, as set forth in the Settlement Agreement and the Class Notice.

23 16. After entry of this Final Approval Order and Judgment, pursuant to California
24 Rules of Court, Rule 3.769(h), the Court shall retain jurisdiction to construe, interpret,
25 implement, and enforce the Agreement, to hear and resolve any contested challenge to a claim
26 for settlement benefits, and to supervise and adjudicate any dispute arising from or in connection
27 with the distribution of settlement benefits.

28 ///

1 17. Notice of entry of this Final Approval Order and Judgment shall be given to the
2 Class Members by posting a copy of the Final Approval Order and Judgment on Simpluris, Inc.'s
3 website for a period of at least sixty (60) calendar days after the date of entry of this Final
4 Approval Order and Judgment.

5 18. The Administrator shall file a final report reflecting all
distributions by Aug. 24, 2018.
Dated: Nov. 28, 2017

15/CAROLYN B. KUHL
HONORABLE ASSISTANT SUPERVISING JUDGE
JUDGE OF THE SUPERIOR COURT
COMPLEX CIVIL LITIGATION

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28